

REMARKS

Examiner Dang is again thanked for indicating that Claims 1, 3-8 and 10-14 are allowed.

Claims 2, 9 and 15 remain canceled. Thus, Claims 1, 3-8, 10-14, 16 and 17 are currently pending in this application, with independent Claims 16 and 17 being the only claims currently at issue.

Claim 16 is generally directed to an image processing apparatus having a combination of features including, an image processor for combining a first image and a second image, an attribute information obtaining unit for obtaining attribute information that is appended to a first image, the attribute information including suitable size information for a second image to be combined with the first image, a size information obtaining unit for obtaining original size information showing an original size of the second image, and a size adjusting unit for adjusting a size of the second image based on the suitable size information and the original size information.

Claim 17 defines a corresponding method.

In other words, operation of the presently claimed invention generally involves: 1) attribute information being appended to the first image, 2) the attribute information including suitable size information for the second image, and 3) the size of the second image being adjusted based on the suitable size information by a size adjusting unit.

The Official Action rejects Claims 16 and 17 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,222,947, hereinafter *Koba*.

Koba discloses grouping multiple images on multiple pages thereby creating a photo album type display. Inputting the input images onto background images creates blank space (background image minus input images) on each page. Pages are unbalanced when one of the pages has a disproportionate amount of blank space compared to the other pages. When the pages are unbalanced the positions of the input images may be adjusted and the sizes of the input images may be reduced.

Response to Official Action

In the previous Response that was filed on June 14, 2004, Applicant argued and pointed out that *Koba* does not disclose reducing the size of an inputted image based on suitable size information of a second image that is appended to a first image, and that *Koba* therefore does not disclose at least the aspect of the present invention directed to an attribute information obtaining unit for obtaining attribute information that is appended to a first image and a size adjusting unit for adjusting a size of the second image based on the suitable size information and the original size information.

On page four of the Official Action it is proposed that Applicant's arguments are based on features that were not recited in Claims 16 or 17. It appears that the previously presented arguments may have been a bit unclear to the Examiner and perhaps led the Examiner to believe that they were based on language that was not recited in the claims, i.e. reducing an inputted image.

It is respectfully pointed out that the arguments presented in the previous response are based on the claim language of Claim 16. Specifically, on page three,

paragraphs two and three of the Response, it is stated that "*Koba* does not disclose reducing the size of an inputted image based on suitable size information of a second image appended to a first image...," and further that "*Koba* does not disclose at least the aspect of the present invention directed to an attribute information obtaining unit for obtaining attribute information that is appended to a first image ... and a size adjusting unit for adjusting size of the second image based in the suitable size information and the original size information as recited together with the other features of the present invention in Claims 16 and 17." In other words, it was argued that because *Koba* does not disclose reducing the size of an inputted image based on information appended to the first image, that it therefore does not disclose a size adjusting unit for adjusting size of the second image based on information appended to the first image, as defined by Claims 16 and 17. These arguments are specifically based on the claim language and should be considered.

However, in view of the statements on page two, part seven of the Official Action and to expedite prosecution of this application, arguments similar to those previously submitted are set forth herein and more particularly emphasize that *Koba* does not disclose a combination of features including "a size adjusting unit for adjusting a size of the second image based on the suitable size information and the original size information," as recited in Claim 16. It is hoped that these arguments are more clearly based on the language of Claim 16.

Rejections under 35 U.S.C. § 102(b)

In rejecting Claim 16, the Official Action takes the position that *Koba* discloses determining the layout size of each image based on the amount of excessive blank

space on a page and that this operation corresponds to the feature of the present invention directed to using suitable size information for a second image appended to a first image to adjust the size of a second image. It is respectfully pointed out that this characterization of *Koba* is not accurate.

The amount of blank space on any single page is not suitable size information for an input image appended to the background, and the amount of blank space on any single page does not determine an adjusted size of the input image. Rather, the ratio of blank space between different pages determines a position and reduced size of the input image. For example, if seven images are sequentially laid out over three pages, such that three images are on each of the first two pages and one image is on the third page, *Koba* judges that the third page has excessive blank space and the layout is poorly balanced. The seventh image is then shifted to the second page, the third page is eliminated, and the size of the seventh image is reduced in size thereby balancing the blank space between the first and second pages. See column 6, lines 52-59.

Koba does not disclose a size adjusting unit for adjusting a size of a second image based on suitable size information appended to the first image, as generally defined by Claim 16, at least because the ratio of blank space between the pages is not suitable size information for an input image appended to any first image.

Thus, *Koba* does not disclose at least the aspect of the present invention directed to an image processing apparatus having a combination of features including an attribute information obtaining unit for obtaining attribute information that is appended to a first image, the attribute information including suitable size information for a second image to be combined with the first image, and a size

adjusting unit for adjusting a size of the second image based on the suitable size information and the original size information appended the first image, as defined by Claim 16. For at least this reason, Claim 16 is allowable.

Claim 17 defines the method corresponding to the apparatus defined by Claim 16, and should therefore be allowable for at least the same reasons.

Conclusion

For at least the reasons stated above, Claims 16 and 17 are allowable and this application is in condition for allowance.

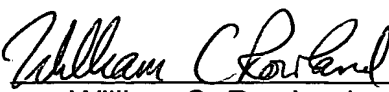
Should these rejections be maintained, it is requested that the remarks made in this response directed to differences between Claim 16 and *Koba* be addressed beyond a statement that the features argued are not recited in Claim 16, thereby affording Applicant a proper opportunity to respond.

In the event that there are questions concerning this response, or the application in general, the Examiner is respectfully urged to telephone the undersigned attorney so that prosecution of the application maybe expedited.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

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William C. Rowland
Registration No. 30,888

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620